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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,818	09/26/2003	Jonathan W. Graham	JG-1	8921

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EXAMINER

PUROL, DAVID M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,818

Applicant(s)

GRAHAM, JONATHAN W.

Examiner

David M Purol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 8-15, 17, 20 and 24-31 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-7, 18, 19 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09262003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,14,17,20,24,30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Crider et al. Crider et al disclose an apparatus comprising a frame 12,13,14,17, a flexible cover 18, first and second rollers 31,34, and a motor 33.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crider et al in view of Smith '474. While Crider et al do not disclose the motor as being disposed within the roller, Smith '474 discloses an apparatus comprising a motor 20 disposed within a roller 11, wherein, to incorporate this teaching into the apparatus of Crider et al for the explicit purpose of providing an alternate arrangement of accumulating the flexible cover would have been obvious to one of ordinary skill in the art.

3. Claims 9-11,25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crider et al in view of Douglas et al. While Crider et al do not disclose the use of a remote control, Douglas et al disclose an apparatus which employs the use of a remote

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control 74, wherein, to incorporate this teaching into the apparatus of Crider et al for the purpose of operating the apparatus from a convenient location would have been obvious to one of ordinary skill in the art.

4. Claims 12,13,28,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crider et al in view of Smith '872. While Crider et al do not disclose the apparatus as having a decorative image, Smith '872 discloses an apparatus comprising a decorative image 59, wherein, to incorporate this teaching into the apparatus of Crider et al for the purpose of aesthetics would have been obvious to one of ordinary skill in the art. As to the decorative image as being a Giclee print, the specific type of decorative image selected is considered a mere matter of design preference.


5. Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crider et al in view of Klaenhammer et al. While Crider et al do not specifically disclose the use of a magnetic strip in conjunction with a ferrite coating applied along an edge of the flexible cover, Klaenhammer et al disclose the use of a magnetic strip 22 in conjunction with a ferrite coating 34 applied along an edge of the flexible cover, wherein, to incorporate this teaching into the apparatus of Crider et al for the explicit purpose of sealing the edges of the flexible cover would have been obvious to one of ordinary skill in the art.

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6. Claims 2,3,5-7,18,19,21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 16 is allowed.

8. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rodriquez, Blackwell, Myers, Sloop et al, Eckels, Jacobs et al.


David Puroi
Primary Examiner
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